ADDITIONAL STATEMENTS

INNOVATIVE CONTRACTING FOR TECHNOLOGY AT THE NATIONAL INSTITUTES OF HEALTH

● Mr. COHEN. Mr. President, this morning I rise to commend the National Institutes of Health and its leadership for changing the way the Government buys technology.

Earlier this year, the Information Technology Management Reform Act, which I authored, became law. ITMRA fundamentally changes the rules governing how the Government purchases and uses technology. It eliminated overly bureaucratic and cumbersome procedures that resulted in the Government's failure to get what it needed and frustrated vendors who were unable to provide government with the optimum solution. ITMRA sets the stage for Federal agencies to emulate successful organizations and break up large computer projects into smaller more manageable segments—a strategy that up to now had been hindered by a procurement system that encourages large complex contracts.

Despite passage of this major reform, the Government must also overcome a culture that arose from the antiquated and cumbersome way of doing business. While the full impact of this reform may take a little time to be felt, some agencies have seized the opportunity to become leaders in innovation consistent with the spirit and intent of the legislation. While I have witnessed recent innovations within the Department of Defense, General Services Administration and a number of other agencies, one effort stands out as exemplifying the spirit behind ITMRA and is particularly well developed based on the intent behind ITMRA.

The chief information officers solutions and partners contract at the National Institutes of Health is an excellent example of how government, under ITMRA, will be able to meet its technology needs in a reasonable time frame and obtain optimum solutions. By comprehending the possibilities presented by recently enacted procurement reform, NIH has provided a contracting vehicle that will allow Federal agencies to buy goods and services in a manner that is competitive, easy to use, fair and timely.

Although the ultimate success of this program will depend on NIH's ability to properly administer the task orders it receives, the innovation demonstrated in the early phases of this procurement deserves special mention. In particular, the leadership and hard work of two NIH employees, Manny DeVera and Gale Greenwald, deserve special attention.

Both Mr. DeVera and Ms. Greenwald quickly recognized the potential of ITMRA and procurement reform, allowing them to award a flexible contract in record time. Both the Government customers and the vendor community are quite excited about the prospects for obtaining needed services in a timely and efficient manner. Government clients will be able to obtain the technology, services, and solutions they need under ITMRA via competitive task orders. Agencies will not have to bundle their requirements into large contracts that take years to award and often end in protest and litigation. Under the new law, an agency can look to the growing number of multiple award task order contracts or the GSA schedule to fulfill information technology requirements. Agency chief information officers can then focus on the return on investment from information technology rather than on finding ways to overcome obstacles in the Federal procurement system.

Mr. President, while this contract must still prove itself, this effort represents a milestone in innovation. The two Federal employees most responsible for this innovation, Manny DeVera and Gale Greenwald, deserve our thanks and appreciation.●

HIGHWAY FUNDING FAIRNESS ACT OF 1996

● Mr. BIDEN. Mr. President, today I proudly join with the distinguished ranking member of the Environment and Public Works Committee, Senator BAUCUS, to correct a serious accounting error that will cost my home State of Delaware millions of dollars in badly needed Federal highway assistance.

Federal-aid highway funds are for the creation and maintenance of our Nation's interstate highways—literally the lifelines of our economy. The east coast's largest, most important interstate, I–95, runs through the northernmost part of Delaware, carrying hundreds of millions of tons of goods and products from Maine to Florida and beyond. Tens of thousands of Delawareans commute daily on I–95.

In fact, the Delaware Department of Transportation is just now beginning a massive, $73 million project to repave and resurface key parts of I–95. This undertaking is vitally important not only to the people of Delaware, but to commuters and businesses across America.

Yet, next fiscal year, Delaware—partly because of a 1994 bureaucratic snafu—is going to receive approximately $8.2 million less than it received in 1996. That is an 11-percent cut.

This will occur even though the Federal Government will spend a record $18 billion on Federal highway assistance—roughly $455 million more than the current year.

During consideration of the Transportation Appropriations bill this past July, Senator BAUCUS successfully offered an amendment that I supported to correct this miscalculation and restore the needed funding. Yet despite the strong vote in support, and the best efforts of Senator LAUTENBERG, conferees dropped the Baucus amendment, thus preserving the slip-up and cutting funding to 28 States.

Because of this fundamental unfairness, and the egregious, short-sighted cuts in Amtrak funding, I voted against the Transportation Appropriations conference report.

The legislation introduced by Senator BAUCUS that I am cosponsoring today, the Highway Funding Fairness Act of 1996, corrects the 1994 highway fund credit mistake and gives the 28 affected States their rightful allocations.

This 1994 accounting error skims the surface of the issue, however. The root cause of the $8 million cut in funding to Delaware is the skewed allocation formula put in place by the 1991 Intermodal Surface Transportation Efficiency Act [ISTEA], which fails to accurately reflect highway needs. This formula, particularly the so-called 90 percent of payments guarantee, unfairly rewards selected States at the expense of smaller, less populated States, such as Delaware.

I intend to work hard next year during consideration of the ISTEA reauthorization bill to correct this fundamental unfairness, and ensure that States, like Delaware, receive their proper share of highway funds.

I hope my colleagues representing the other 27 affected States will seriously consider cosponsoring the Highway Funding Fairness Act of 1996, and I commend and thank Senator BAUCUS for all of his work.●

JOE MARK ELKOURI

● Mr. INHOFE. Mr. President, I rise today to honor a great American and a great Oklahoman, Joe Mark Elkouri, who passed from this earth September 26, 1996. Joe Mark was born February 28, 1950, in Altus, OK, and was a respected long-time resident of Oklahoma City.

An alumnus of Oklahoma State University, the Oklahoma City University School of Law, and Southern Methodist University Law School, where he specialized in tax law, Joe Mark utilized his education to the betterment of society.

Joe Mark tirelessly involved himself in civic causes such as the Red Andrews Christmas Dinner, Toys for Tots, the Aids Support Program, and the Winds House, an assisted living center in Oklahoma City. Throughout his life, Joe Mark gave of himself for the benefit of countless others, endearing friends and loved ones for life.

He is survived by two loving daughters, Brie and Lee Elkouri of Oklahoma City; two sisters, KoKo Sparks and family of Oklahoma City, and Sharon Massad of California; his mother Dorothy Weinstein of Dallas, TX, and Jim Roth of the home.

Joe Mark served his community as a distinguished member of the State bar of Oklahoma and served as an Administrative Law Judge for numerous State agencies and as a Special Judge for the city of Oklahoma City. Joe Mark's professional accomplishments are many, but he will be remembered most for his

tremendous good will, enormous heart, and joyful sense of humor. He will be greatly missed by all who knew him and loved him. May He Rest In Peace.●

THE ACCOUNTABLE PIPELINE SAFETY AND PARTNERSHIP ACT OF 1996

● Mr. BRADLEY. Mr. President, I am pleased to support S. 1505, the Accountable Pipeline Safety and Partnership Act of 1996. My interest in the pipeline safety issue dates back to the explosion and fire at Edison, NJ in 1994. In reaction to that tragedy, which set fire to eight apartment houses and cost one life, I introduced the Comprehensive One-Call Notification Act, S. 164, cosponsored by Senators SPECTOR, LAUTENBERG and EXON. The purpose of that bill was to improve state-wide notification systems to protect natural gas and hazardous liquid pipelines from being damaged during excavations, the cause of the Edison accident.

In S. 1505, the Commerce Committee has wisely chosen to strengthen State one-call programs, and has provided new authorization for grants to States to establish one-call notification systems consistent with standards which assure at least a minimally acceptable level of protection from accidents. These grants, which were also a feature of S. 164, will assist States in developing the kinds of one-call systems needed to prevent future Edisons from happening.

While I would have preferred a stronger and more comprehensive set of requirements, the bill is an important first step toward the goal of implementing strong, comprehensive one-call systems nationwide.

S. 1505 also includes new language broadening public education programs carried out by natural gas pipeline owners to include the use of one-call systems.

Finally, I was pleased to join with Senator LAUTENBERG in proposing additional provisions which are the subject of a manager's amendment to S. 1505. These include a survey and risk assessment by the Department of Transportation of the effectiveness of remotely-controlled valves which shut off the flow of natural gas in the event of a pipeline rupture. Once the survey and assessment are completed, the Secretary of Transportation shall issue standards for their use if he or she finds them technically and economically feasible.

The manager's amendment also includes measures to promote public awareness of pipeline location. Pipeline owners or operators must provide municipalities where pipelines are located with facility maps to prevent accidents and respond to pipeline emergencies. In addition, the Secretary of Transportation must survey existing public education plans to determine which components are most effective at accident prevention. After analyzing the results of the survey, the Secretary may promulgate nationwide regulations, if necessary, to ensure the safest feasible pipeline public education system.

The bill and these amendments, taken together, represent a considerable improvement over current practices for accident prevention. I hope they can be enacted this year, and prevent another Edison accident.●

NAVAJO-HOPI LAND DISPUTE SETTLEMENT ACT OF 1996

● Mr. MCCAIN. Mr. President, I rise today to urge my colleagues to support this important legislation which will resolve a longstanding dispute between the Hopi Tribe, the Navajo Nation and the United States. This legislation marks the culmination of 4 years of mediation efforts of the Ninth Circuit Court of Appeals involving the Hopi Tribe, the Navajo Nation, representatives of the Navajo families residing on Hopi partitioned lands, and the U.S. Department of Justice. S. 1973 provides for the settlement of four claims of the Hopi Tribe against the United States and provides the necessary authority to the Hopi Tribe to issue 75-year lease agreements to Navajo families residing on the Hopi partitioned land. This legislation will ratify the settlement and accommodation agreements made by the Department of Justice, the Hopi Tribe, the Navajo Nation, and the Navajo families residing on the Hopi partitioned lands.

The settlement marks an important first step in bringing this longstanding dispute between the Hopi Tribe, the Navajo Nation, and the United States to an orderly and peaceful conclusion. These agreements are the product of many, many hours of negotiation under the auspices of the Ninth Circuit Court of Appeals mediation process. While I understand that there are factions in both the Hopi Tribe and the Navajo Nation who have voiced their opposition to the settlement, I believe that these agreements represent the only realistic way to settle the claims of the Hopi Tribe against the United States and to provide an accommodation for the hundreds of Navajos residing on Hopi partitioned lands.

I believe it is imperative that the Congress take this step before the close of this session in order to bring this longstanding dispute to a final resolution. It has been over 22 years since the Navajo-Hopi Settlement Act was passed with the intention of settling the disputes between the Navajo Nation and the Hopi Tribe. Since that time, the Federal Government has spent over $350 million to fund the Navajo-Hopi Relocation Program. That funding exceeded the original cost estimates by more than 900 percent. And yet, there are over 130 appeals still pending, which raises a great deal of uncertainty regarding who is and is not eligible for further relocation benefits under the act. I am convinced that future Federal budgetary pressures will force closure of the Navajo-Hopi Relocation Housing Program. I intend to ensure that this be done in an orderly fashion. I will introduce separate legislation in the near future that will provide for a measured phase out of the Navajo-Hopi Relocation Housing Program in 5 years. As an important first step, it is critical that the Congress pass legislation to settle the outstanding claims of the Hopi Tribe against the United States.

There are several important clarifications that have been made to the legislation as part of our committee's deliberation on the bill. S. 1973 has been amended to make clear that the Hopi Tribe has the authority to renew leases entered into under the settlement for additional terms of 75 years. The bill makes clear that the Hopi Tribe cannot place land into trust that is located within a 5 mile radius of an incorporated town or city in northern Arizona and that prior to placing lands into trust for the Hopi Tribe, the Secretary shall certify that no more than 15 percent of the eligible Navajo households remain on the HPL without having an accommodation agreement with the Hopi Tribe. These clarifications will help ensure that this settlement will achieve a greater degree of finality.

Mr. President, I am also proposing several amendments which further clarify provisions in the settlement and its potential impacts on communities in northern Arizona. The first amendment clarifies that the provisions prohibiting the Secretary from taking lands into trust within 5 miles of an incorporated town also apply to cities in northern Arizona. The second amendment adds a finding to the bill that recognizes that the Navajo Nation and the Navajo families did not participate in the settlement between the Hopi Tribe and the United States. The third amendment adds a new definition for newly acquired trust lands. The fourth amendment pertains to the potential impacts of the settlement provisions on ongoing water rights negotiations in northern Arizona. It would make clear that the settlement agreements provisions would not prejudice or adversely impact existing water users and more senior water rights holders along the Little Colorado River. This provision also makes clear that any water rights covered in the settlement agreement are a part of, and bound by, the adjudication of the court presiding over the Little Colorado River adjudication. Finally, the amendment makes clear that nothing in the Act or the amendments made by the act shall preclude, limit, or endorse actions by the Navajo Nation to seek, in court, an offset from judgments for payments received by the Hopi Tribe.

It is my understanding that as part of the negotiations on provisions in the bill relating to the Little Colorado River adjudication, the Hopi Tribe and the city of Flagstaff have commenced discussions to resolve the water rights of the city of Flagstaff. I am very